



DLA Piper US LLP  
2000 University Avenue  
East Palo Alto, California 94303-2214  
www.dlapiper.com

Christine K. Corbett  
christine.corbett@dlapiper.com  
T 650.833.2141  
F 650.833-2001

July 31, 2008

OUR FILE NO. 347155-29

*VIA E-FILE*

Magistrate Judge Elizabeth D. Laporte  
450 Golden Gate Avenue  
San Francisco, CA 94102

**Re: Network Appliance, Inc. v. Sun Microsystems, Inc., U.S.D.C., Case No. C-07-06053 EDL**

Dear Magistrate Judge Laporte:

Pursuant to Local Rule 7-11, Sun Microsystems, Inc. ("Sun") hereby moves the Court for an Order permitting Sun to file a 40-page Reply Claim Construction Brief ("Reply Brief").

As the Court may recall, the Court previously granted both Sun's and NetApp's requests to file opening claim construction briefs and responsive claim construction briefs no longer than 45 pages. NetApp's responsive claim construction brief contains multiple new arguments on each point, each of which needs to be addressed. It would be more efficient to address these arguments in the Reply Brief, rather than attempt to do so for the first time at the *Markman* hearing. As such, given the number of arguments raised in NetApp's responsive claim construction brief, Sun requires additional space in the Reply Brief in order to fully respond to the arguments.

Therefore, Sun respectfully requests that the Court allow Sun to file a 40-page Reply Brief.

Respectfully,

DLA PIPER US LLP

A handwritten signature in cursive script that reads 'Christine K. Corbett'.

Christine K. Corbett  
christine.corbett@dlapiper.com